

REMARKS/ARGUMENTS

Initially, the Applicant would like to thank Examiner Durand for taking the time to discuss the outstanding Office Action issued in connection with the above-identified U.S. Patent Application with the Applicant's representative during a telephone interview conducted on July 19, 2006. During the interview, the Applicant's representative and the Examiner discussed various distinctions between the independent claims of the present Application and the prior art. In particular, the Applicant's representative noted that none of the prior art relied upon by the Examiner, and in particular the Tisma reference, teaches a transfer system that is self-adjusting to support asynchronous operation of the bagger system and the cartoner system as previously recited in claims 31 and 32. Claim 33 required that the bagger system be uncoupled to operation of the cartoner system. That is, while Tisma does teach receiving goods from a bagger on an asynchronous basis, items are delivered on an on-time basis or on a timed basis coordinated with a packaging machine. By coordinating the timing between the transfer system and packaging machine in Tisma, operation of the bagger is synchronized and coupled to the packaging machine.

During the interview, the Applicant's representative proposed amending claims 31-33 to require that the transfer system include at least two mechanisms selected from an air conveyor, a servo conveyor and a fan feeder. That is, while the transfer system could include multiples of any one of the aforementioned mechanisms, at least two of the mechanisms set forth in the list would necessarily be present in the transfer system. The Examiner agreed that this limitation would patentably define the invention over the prior art of record, but stated that additional searching would be required before any indication that the claims, so amended, would be allowable. Therefore, the Examiner stated that the proposed changes would not be entered at this time.

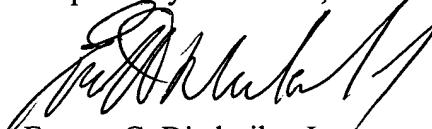
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PURSUANT TO 37 C.F.R. § 1.116

In order to advance prosecution, claims 34, 39 and 43, which were indicated to contain allowable subject matter, have been placed in independent form. Of course, the Applicant reserves the right to file a continuation application to cover the "at least two" aspect identified above. In any event, as claims 34-48 were objected to in the previous Office Action and claims 31-33, which represented the only rejected claims, have been canceled, the present amendment clearly places the Application in clear condition for allowance such that entry of this Amendment/Response is respectfully requested.

Based on the above remarks and amendments to the claims, the Applicant respectfully submits that the Application is patentably defined over the prior art of record such that allowance of all claims and passage of the Application to issue are respectfully requested. If the Examiner should have any additional questions or concerns regarding this matter he is cordially invited to contact the undersigned at the number provided below in order to further prosecution on this case.

Respectfully submitted,



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